

Message Text

SECRET

PAGE 01 NEW DE 11760 050301Z

63

ACTION NEA-16

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L-03 NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 IO-14 AID-20 PC-10 OMB-01 EB-11 DRC-01 /160 W

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 3687

INFO AMEMBASSY KATHMANDU

AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL MADRAS

USLO PEKING

AMCONSUL HONG KONG

S E C R E T NEW DELHI 11760

E. O. 11652: GDS

TAGS: PINT, SK, IN

SUBJECT: SIKKIM

REF: NEW DELHI 11522 (NOTAL)

1. SUMMARY: THE GOVERNMENT INTRODUCED THE SO-CALLED SIKKIM BILL IN THE LOK SABHA (LOWER HOUSE) SEPTEMBER 2. THE BILL, FORMALLY ENTITLED THE CONSTITUTION (36TH) BILL 1974, PROPOSES VARIOUS AMENDMENTS TO THE INDIAN CONSTITUTION " TO GIVE EFFECT TO THE WISHES OF THE PEOPLE OF SIKKIM FOR STRENGTHENING INDO-SIKKIM COOPERATION AND INTERRELATIONSHIP." END SUMMARY

2. THE PROPOSED CONSTITUTIONAL AMENDMENTS SPECIFY THAT SIKKIM "SHALL BE ASSOCIATED" WITH INDIA, WHICH WILL BE RESPONSIBLE INTER ALIA FOR "SECURING THE ECONOMIC AND SOCIAL DEVELOPMENT... FOR ENSURING GOOD ADMINISTRATION AND THE MAINTENANCE OF COMMUNAL HARMONY ...AND FOR PROVIDING FACILITIES FOR THE PARTICIPATION AND REPRESENTATION

SECRET

SECRET

PAGE 02 NEW DE 11760 050301Z

OF THE PEOPLE OF SIKKIM IN THE POLITICAL INSTITUTIONS OF

INDIA." IN FURTHERANCE OF THE LATTER RESPONSIBILITY, THE BILL SPECIFIES THAT ONE SEAT IN THE LOK SABHA AND ONE SEAT IN THE RAJHA SABHA (UPPER HOUSE) SHALL BE FILLED BY SIKKIMESE REPRESENTATIVES ELECTED BY THE SIKKIM ASSEMBLY. FOREIGN MINISTER SWARAN SINGH ON SEPT 4 AGREED TO PARLIAMENTARY URGING THAT ONE OF THESE SEATS BE FILLED DIRECTLY BY POPULAR FRANCHISE.

3. THE GOVERNMENT IS HOPING TO CLEAR THE BILL THROUGH BOTH HOUSES BY THE END OF THIS WEEK. THE CHOGYAL OF SIKKIM HAS SENT TWO LETTERS TO MRS. GANDHI PROTESTING THE BILL AS A THREAT TO SIKKIM'S "SEPARATE INDENTITY" AND IS REPORTEDLY PLANNING TO VISIT DELHI TO SEE THE PRIME MINISTER IN AN ATTEMPT TO STALL THE BILL. THE CHIEF MINISTER OF SIKKIM HAS IN TURN APPEALED TO MRS. GANDHI TO IGNORE THE CHOGYAL.

4. CONSIDERABLE OPPOSITION TO THE GOVERNMENT-SPONSORED BILL HAS DEVELOPED AMONG CPM AND CONGRESS (O) MEMBERS. THE FORMER HAVE EMPHASIZED THE FAILURE OF THE GOVERNMENT TO CONSIDER POSSIBLE INTERNATIONAL REACTION TO ITS LEGISLATION, PARTICULARLY BY CHINA; THE LATTER HAVE FOCUSSED ON THE BILLS PROCEDURAL AND CONSTITUTIONAL PROPRIETY, AND ESPECIALLY THE GOVERNMENT'S HASTE IN SEEKING ITS ENACTMENT. THE JANA SANGH CRITICIZES THE BILL AS NOT GOING FAR ENOUGH TOWARD TOTALLY INCORPORATING SIKKIM INTO INDIA, AND A NUMBER OF CONGRESS (R) MPS HAVE MADE THE SAME COMMENTS AND EXPRESSED CONCERN OVER NEPALI REACTION.

5. THERE IS A FAIRLY WIDESPREAD UNCERTAINTY AS TO WHY THE GOVERNMENT HAS CHOSEN TO MOVE AHEAD ON THIS MEASURE AT THIS TIME. IN AN ATTEMPT TO CLARIFY ITS POSITION, THE GOVERNMENT PROVIDED A "BACKGROUNDER" TO CORRESPONDENTS SEPTEMBER 3 STATING THAT THE SIKKIM GOVERNMENT HAD SENT TWO LETTERS TO THE INDIAN GOVERNMENT IN AUGUST ASKING THAT THE GOI IMPLEMENT THE SIKKIM GOVERNMENT ACT, INCLUDING THE REFERENCE TO REPRESENTATION FOR SIKKIM IN PARLIAMENT. SWARAN SINGH IS SAID TO HAVE WRITTEN THE CHOGYAL AUGUST 22 INFORMING HIM OF THESE LETTERS, NOTING THAT THERE WERE LEGAL AND CONSTITUTIONAL IMPLICATIONS THE
SECRET

SECRET

PAGE 03 NEW DE 11760 050301Z

GOI WAS STUDYING CAREFULLY, BUT STWATING THAT IF IT WAS FEASIBLE TO MEET THE REQUEST OF THE SIKKIM GOVERNMENT, THE GOI WOULD DO SO. THE GOI BACKGROUND SOURCE EXPRESSED SURPRISE THAT THE SHOGYAL WAS COMPLAINING ABOUT THE INDIAN ACTION AND OBSERVED THAT THE CHOGYAL SEEMED TO BE MOVING BACK TOWARD CONFRONTATION WITH THE SIKKIM ASSEMBLY.

6. COMMENT: THE EMBASSY WILL FORWARD TO THE DEPARTMENT A

COPY OF THE LEGISLATION AND CONSTITUTION AMENDMENTS WHEN THEY BECOME LAW. FOREIGN MINISTER SWARAN SINGH SAID QUITE CANDIDLY WHEN INTRODUCING THE BILL SEPTEMBER 2 THAT IT IS "A POLITICAL MATTER AND NOT A QUESTION OF LEGAL NICETIES." WE EXPECT THE FOCUS TO REMAIN ON THE POLITICS OF THE MATTER AT LEAST FOR THE NEAR TERM.

7. WE SHARE THE GENERAL UNCERTAINTY AS TO WHY THE GOI IS MOVING SO SWIFTLY ON THIS MATTER. A RESPONSIBLE MEA OFFICIAL TOLD US BARELY TWO MONTHS AGO THAT THE GOI HAD NO INTENTION OF ALTERING THE PROTECTORATE RELATIONSHIP IT HAD WITH SIKKIM, THAT THE REFERENCES TO SIKKIMESE INVOLVEMENT IN INDIAN PARLIAMENTARY INSTITUTIONS WERE "PERMISSIVE" AND THAT THE GOI HAD MADE NO DECISION ABOUT SUCH INVOLVEMENT (NEW DELHI 8673.) THE CHOGYAL APPEARED TO HAVE ACCEPTED HIS POSITION AS A "CONSTITUTIONAL RULER" IN JULY AND HAS DONE NOTHING OSTENTATIOUS SINCE THEN TO CAUSE THE GOI TO DEGRADE HIS STATUS FURTHER. CONCEIVABLY THE GOI HAS UCOME ACROSS SOME LESS CONSPICUOUS EVIDENCE THAT THE CHOGYAL OR HIS SUP-PORTERS ARE SECRETLY PLOTTING AGAINST THE INDIAN AUTHORITIES, PERHAPS WITH CHINESE ENCOURAGEMENT (NBK 2273, JULY 26, 1974, SECRET NOFORN CONTROLLED DISSEM). THE NEW CONSTITUTIONAL AMENDMENT ADDS ANOTHER LEGAL LINK TO THE DE FACTO, AND GENERAL DE JURE ASSOCIATION BETWEEN INDIA AND SIKKIM BROUGHT ABOUT IN MAY 1973 AND JULY 1974. IT DOES NOT SEEM TO US TO REALLY CHANGE THE EXISTING POLITICAL SITUATION. WE ARE UNSURE WHAT IT DOES TO THE 1950 INDO-SIKKIM TREATY, BUT THAT WOULD APPEAR TO HAVE BEEN ESSENTIALLY ALTERED IN ANY EVENT BY THE JULY 1974 SIKKIM CONSTITUTION BILL. THE GOI'S POSITION IS STILL THAT SIKKIM MAINTAINS ITS "SEPARATE IDENTITY", WHATEVER THAT MEANS.

8. THE CHOGYAL'S ALTERNATIVES ARE FEW: HE CAN QUIT; HE
SECRET

SECRET

PAGE 04 NEW DE 11760 050301Z

CAN ABDICATE IN FAVOR OF HIS SON; HE CAN STAY ON AS HE IS; OR HE COULD FLEE AND SEEK SUPPORT FOR A SIKKIM INDEPENDENCE MOVEMENT IN CHINA. WE STRONGLY DOUBT THE LAST; EACH OR THE OTHER THREE IS CONCEIVABLE. THE GOI APPEARS TO EXPECT NOTHING WORSE FROM THE CHINESE THAN BOMBAST. THE GOI HAS NOT COMMENTED THUS FAR ON THE PEOPLE'S DAILY COMMENTARY BROADCAST SEPTEMBER 3, BUT WE ANTICIPATE IRRITATION AND SHARE HONG KONG'S VIEW (HONG KONG 9802) THAT THE TONE OF THE CHINESE REMARKS WILL NOT ENCOURAGE IMPROVE-MENT IN SINO-INDIAN RELATIONS.

9. INDIAN OFFICIALS INVOLVED WITH SIKKIM, BHUTAN, AND CHINESE AFFAIRS HAVE BEEN TOTALLY INVOLVED IN PARLIAMENTARY DEBATE FOR LAST FEW DAYS. EMBASSY WILL REPORT FURTHER ON GOI MOTIVATIONS AND REACTIONS TO STRONG NEPALESE COMMENTS ON SIKKIM MOVE IN

NEXT FEW DAYS.
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